[FR] CSA Sets Framework for Broadcasting Brief Excerpts of Sport Competitions

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Legislation of 1 February 2012 intended to strengthen ethics in sport and the rights of sportsmen and sportswomen has amended Article L. 333-7 of the Sport Code by providing that “the audiovisual regulatory authority (Conseil Supérieur de l’Audiovisuel - CSA) shall lay down the conditions for broadcasting brief excerpts (of sport competitions) after consulting the French national Olympic committee (Comité National Olympique et Sportif Français - CNOSF) and the organisers of the sport events referred to in Article L. 331-5” (see IRIS 2012-3/22). Since 1984, Article L. 333-7 of the Sport Code, has given the channels the right to broadcast brief excerpts of sports events for which the rights are held by another editor, by virtue of the public’s entitlement to be informed. Since no implementing legislation has ever been adopted, the legislation of 13 July 1992 reiterated the main features of a code of good conduct drawn up by the main broadcasters, the CNOSF, the CSA, sport journalists’ unions, etc. The scheme adopted was the application to sports of the right to reproduce a brief excerpt contained in the legislation on rights similar to copyright (the broadcaster must be able to prove identification of the source, the excerpt must be brief, and incorporated in a news work). Two major areas of uncertainty remain, however, regarding the interpretation of the notions of “information broadcast” and “brief excerpts”, and this has given rise to a number of court cases. On the basis of its new prerogatives resulting from the legislation of 1 February 2012, the CSA initiated a public consultation in order to obtain observations from all the stakeholders, and to determine the practicalities of exercising this broadcasting right. This process has now been completed, and the CSA published its deliberation on 15 January 2013; this defines the “conditions for broadcasting brief excerpts of sport competitions and non-sport events of major interest to the public for which audiovisual exploitation rights have been conceded”. The adopted text, which came into force on 1 February 2013, applies to all television services established in France, and to their on-demand audiovisual media services. Although the initial draft of the deliberation, published by the CSA in September 2012, allowed the broadcasting of such excerpts on the Internet, “on clearly identified pages or areas devoted to the broadcasting of topical content of a general or sport nature, editorialised as part of an audiovisual offer, that may not be restricted solely to those images acquired under the right to broadcast brief excerpts”, these provisions have been deleted from the final deliberation. As a result, brief excerpts may not be shown on the Internet, except via catch-up TV sites.

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The deliberation states that the channels holding broadcasting rights must not “hinder the broadcasting by another television service or on-demand audiovisual media service”, subject to two conditions: the broadcast must not precede the end of the original broadcasting of the programme by the service holding the rights, and the channel that holds the original rights must be clearly identified when each excerpt is broadcast, for at least five seconds. The text also defines the programmes during which brief excerpts may be broadcast, namely “information broadcasts”, which are understood to include television newscasts and regular news updates, sport magazines covering a number of disciplines, general information programmes, and sport magazines dedicated to a single sport. Their broadcasting may not exceed ninety seconds per hour of airtime per day of the competition or event.

Délibération du CSA n° 2013-2 du 15 janvier 2013 relative aux conditions de diffusion de brefs extraits de compétitions sportives et d'événements autres que sportifs d'un grand intérêt pour le public, JORF, 30 janvier 2013

http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027004183

CSA deliberation no. 2013-2 of 15 January 2013 on the conditions for broadcasting brief excerpts of sport competitions and non-sport events of major public interest, Official Gazette of 30 January 2013

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